REMARKS/ARGUMENTS

Claims 11-24 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   Examiner Interview

Applicant thanks Examiner Tang for the courtesies extended to Applicant's representative during the calls of February 23, 2006, March 6, 2006, and March 9, 2006. During the call on February 23, 2006, Applicant questioned if Examiner Tang regarded any subject matter allowable. Examiner Tang responded on March 6, 2006 that there was no claim language allowable but he did not have time to review the specification. On March 8, 2006, Applicant left a voicemail with Examiner Tang that the applied Arndt reference was not prior art and the 35 U.S.C. § 103(a) is improper. Examiner Tang responded on March 9, 2006 that he agreed and that Applicant should file a response so that he could address the issue. The substance of the interview is summarized in the remarks of sections that follow.

II.   35 U.S.C. § 103, Obviousness

The Office has rejects claims 11-22 under 35 U.S.C. § 103(a) as being unpatentable over Noel et al. (U.S. Patent Application Publication No. 2002/0016891 A1) in view of Arndt et al. (U.S. Patent Application Publication No. 2002/0010811 A1). This rejection is respectfully traversed.

The present application is a divisional of application number 09/589,661, filed June 8, 2000. The applied Arndt reference, U.S. Patent Application Publication No. 2002/0010811 A1, is a continuation-in-part of application number 09/589,665, also filed June 8, 2000.

35 U.S.C. § 103, reads as follows:

35 U.S.C. § 103 Conditions for patentability; non-obvious subject matter.
    (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. (emphasis added)

Thus, the art cited in a 35 U.S.C. § 103 rejection must first be prior art under 35 U.S.C. § 102.

35 U.S.C. 102 (a), (b), and (e), reads as follows:

35 U.S.C. § 102 Conditions for patentability; novelty and loss of right to patent.
    A person shall be entitled to a patent unless —

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, **before** the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, **more than one year prior to** the date of the application for patent in the United States, or

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States **before** the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States **before** the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or. (emphasis added).

Since the Arndt reference and the present application take priority over applications that were both filed on June 8, 2000, the Arndt reference does not fall under 35 U.S.C. § 102 and, thus, is not prior art. Therefore, the rejection of claims 11-22 under 35 U.S.C. § 103 is improper and should be withdrawn.

III.   35 U.S.C. § 103, Obviousness

The Office has rejects claims 23-24 under 35 U.S.C. § 103(a) as being unpatentable over Noel et al. (U.S. Publication No. 2002/0016891 A1) in view of Weitzsch et al. (EP000419723 A1). This rejection is respectfully traversed. Because this rejection is essentially the same as in the previous Office Action, this rejection is respectfully traversed for the reasons stated in the previous Response filed November 14, 2005, the remarks of which are hereby incorporated by reference. The following remarks are provided in rebuttal of the Office's statements in the present Office Action beginning on page 6, paragraph 17, of the Final Office Action.

In the November 14, 2005 Response, Applicants argued that Noel and Weitzsch, taken alone or in combination, fail to teach or suggest wherein the message indicates to which of the plurality of operating system images the message belong, and wherein the second data processing system displays the message to a user with an indication of the operating system image corresponding to the message.

The Office Action acknowledges that Noel does not teach this feature. However, the Office Action alleges that Weitzsch teaches this feature in the abstract, shown above. As discussed previously, Weitzsch describes a processing processor that transmits the associated identity code and the associated processor-related interrupt mask, so that the interrupt control can determine deliverable interrupt requests without loading the processing processors. Thus, the processor of Weitzsch actually transmits an associated identity code and the associated processor-related interrupt mask to an interrupt control. Weitzsch further teaches that once the hypervisor initiates the interrupt control, selected virtual machines

and processing processors can be marked as required in the interrupt control via one of the processing processors. Thus, while the system of Weitzsch may include a hypervisor, the hypervisor of Weitzsch does not send a message to a data processing system that indicates to which of the plurality of operating system images the message belong, and wherein the second data processing system displays the message to a user with an indication of the operating system image corresponding to the message. The interrupt controller receives an associated identity code and the associated processor-related interrupt mask from a processor, so that the interrupt control can determine deliverable interrupt requests without loading the processing processors.

In response, the Office, on pages 6-7 of the present Office Action states the following:

> In response, Witzsch (sic) teaches a software coded message such as a request attached with identity codes (VMID) for transmission involving a hypervisor, wherein the identity codes help to identify and select between images within virtual machines or processing processors (see *Abstract*)

The abstract of Weitzsch reads as follows:

> To reduce the complexity and the time losses due to switching on the hypervisor, interrupt requests of the input/output system (IOS) are managed by a central interrupt control (UB-ST) to which all interrupt requests from the input/output system (IOS) are supplied ordered in accordance with identity codes (VMID) of the associated virtual machine (VM...) and of the respective interrupt class (UBK...). In addition, each processing processor (CPU...), when allocated to a virtual machine (VM...), transmits the associated identity code (VMID) and the associated processor-related interrupt mask (UM) so that the interrupt control (UB-ST) can determine deliverable interrupt requests without loading the processing processors (CPU...). In addition, selected virtual machines and processing processors can be marked as required in the interrupt control via one of the processing processors, on initiation by the hypervisor, and simulated requests of the hypervisor can be stored so that interrupt requests of the input/output system, selected as global requests for non-running marked virtual machines, can be delivered to one of the marked processing processors and requests of the hypervisor for a running virtual machine can also easily be supplied to the associated processing processor.

In the abstract, Weitzsch describes sending interrupt requests from an input/output system in accordance with identity codes of an associated virtual machine and of the respective interrupt class using a central interrupt control and not a hypervisor, since a hypervisor induces complexity and time loss due to switching. Thus, Weitzsch actually teaches away from the use of a hypervisor to software code messages as alleged by the Office.

Furthermore, there is not so much as a suggestion in either reference to modify the references to include such features. That is, there is no teaching or suggestion in Noel or Weitzsch that a problem exists for which a hypervisor sends a message that indicates to which of the plurality of operating system images the message belong, and a second data processing system displays the message to a user with an indication of the operating system image corresponding to the message is a solution. To the contrary,

Noel only teaches a console program that logically divides the physical hardware into partitions. Weitzsch teaches an interrupt control that can determine deliverable interrupt requests without loading the processing processors. Neither reference even recognizes a need for a hypervisor that performs the steps as recited in claim 23.

Moreover, neither reference teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation offered in either reference for the alleged combination. The Office Action alleges that the motivation for the combination is "because it would reduce complexity." Neither reference teaches a hypervisor that performs all of the functions presently recited in the independent claims. Thus, the only motivation to even attempt the alleged combination would be based on a prior knowledge of Applicant's claimed invention, thereby constituting impermissible hindsight reconstruction using Applicant's own disclosure as a guide.

One of ordinary skill in the art, being presented only with Noel and Weitzsch, and without having a prior knowledge of Applicant's claimed invention, would not have found it obvious to combine and modify Noel and Weitzsch to arrive at Applicant's claimed invention. To the contrary, even if one of ordinary skill in the art was somehow motivated to combine Noel and Weitzsch, and it was somehow possible to combine the two systems, the result would not be the invention recited in claim 23. The result would be a console program that logically divides the physical hardware into partitions and an interrupt control that can determine deliverable interrupt requests without loading the processing processors.
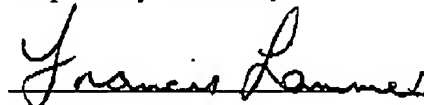
Thus, Noel and Weitzsch, taken alone or in combination, fail to teach or suggest all of the features in independent claim 23. At least by virtue of its dependency on claim 23, the specific features of claim 24 are not taught or suggested by Noel and Weitzsch, either alone or in combination. Accordingly, Applicant respectively requests withdrawal of the rejection of claims 23-24 under 35 U.S.C. § 103(a).

IV.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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